

**TOWN COUNCIL  
REGULAR MEETING  
DECEMBER 4, 2001**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were: Mayor Venis, Vice-Mayor Paul, Councilmember Clark, Councilmember Starkey, and Councilmember Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING (7:00 p.m. - 8:04 p.m.)**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Janice Vliet spoke of her concerns regarding a rezoning request to build 2.4 homes per acre in an area that was zoned one home per acre. She recounted her efforts to inform 500 residents in the community where she collected 247 signatures opposing this rezoning. Ms. Vliet requested that this rezoning not be approved. She wanted to know if the "meeting for December 19th was going to be tabled," so she would know how to next direct her efforts. Mayor Venis directed Mr. Willi to ensure this item would not appear on the December 19, 2001 meeting agenda.

Mayor Venis made a motion, seconded by Councilmember Truex, to table this item to the first meeting in January. In a voice vote, all voted in favor. (Motion carried 5-0)

Ms. Vliet wanted to know why Councilmember Clark was not notified about this issue. She was also concerned with other promises made to the communities which were not followed through. Ms. Vliet also expressed concerns about the wetlands and whether or not anyone would be allowed to build there. Mayor Venis asked Mr. Kutney to address this issue because he also had not received information about it.

Councilmember Clark was also concerned with this issue and asked Mr. Willi to forward her a copy of the Westbrooke agreement signed in 1999. She agreed with Ms. Vliet's concerns regarding the wetlands and said that she did not believe that Westbrooke had kept up their end of the bargain. Mayor Venis indicated that the Town would not take title to the wetlands until every tree was installed per the initial plan. He stated that once the Town took title to this land, it would never be sold for development.

Mr. Kutney stated that he was investigating the status of the wetland and explained that the parcel had a special classification with two units per acre. He further explained the intentions of the applicant, stating that if the application was approved, the property would be developed with the density being moved to the property to the north for conservation. Further discussion ensued regarding funding for the project.

Councilmember Clark asked what the timeline was for completion of the wetlands as she felt that Westbrooke was not complying with their agreement with the Town. Mr. Kiar stated that this was an issue which should be addressed by Code Compliance. He also recommended that Westbrooke be put on notice for not complying with the contract.

Councilmember Clark expressed concerns about not being notified by staff about large projects in her district. Councilmember Starkey and Vice-Mayor Paul were also concerned with

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not being notified about issues in their districts. Mayor Venis suggested that Council be provided with a copy of the Planning and Zoning Board's agenda to inform them of pending issues in their districts. Mr. Kutney added that reports could be provided about potentially controversial issues throughout the Town.

Valerie Pellegrini spoke in support of her neighbors in opposing the Poinciana development. Ms. Pellegrino asked that residents be notified, in a timely manner, regarding issues that dealt with this community. She also expressed concern about the proposed street that would cut through Silver Lake and requested that a soundwall and foliage be added in the area.

Jack Flaherty, 5391 SW 58 Avenue, spoke about the lack of notification for the Poinciana development. He also opposed the building of 2.4 homes per acre in that development.

Mike Bender, 14800 SW 31 Court, spoke on the traffic study in Oak Hill and his concern with its execution and lack of organization. He believed that the controllers in the study had been placed poorly and had contacted a number of the Town leaders to discuss the matter. He expressed dismay with the leadership capabilities of Mr. Willi.

Vice-Mayor Paul added that after she was made aware of the traffic study, she left a message for Mr. Willi to express her own concerns in the matter, and had not received a return call. She was also concerned with the lack of organization of the study and the placement of the controllers and noted that volume and speed were to be the major targets of the study.

Mr. Willi answered that Calvin Giordano provided the locales for the controllers in the traffic study. He offered to have Mr. Giordano attend the next meeting to explain his methodology and how the counters in the survey worked.

Councilmember Starkey expressed concerns, as well, as to where the traffic survey counters were placed, specifically noting that major thoroughfares were omitted where traffic volume and speed were problems.

Councilmember Truex asked Mr. Willi to have Calvin Giordano attend the next Town Council meeting.

Norm Blanco, 2080 SW 72 Avenue, clarified that his comments at the last meeting about Development Services Director Mark Kutney were meant to compliment, not harm him.

Peter Rodriguez, 14941 SW 31 Court, expressed dissatisfaction with Mr. Willi's efforts in having a traffic study completed. He agreed with Vice-Mayor Paul that traffic studies needed to be conducted for three days rather than two and should be conducted during the week to ensure normal traffic patterns.

Dennis Rogers, 2312 SW Edgewater Terrace, Topeka, Kansas, thanked Council for the proclamation designating November as Native American Heritage month.

**4. PRESENTATION (8:04 p.m. - 8:21 p.m.)**

**4.1 Open Space Advisory Committee Update - Bruce Bernard.**

Public Works/Capital Projects Director Bruce Bernard described concrete monuments that were to be placed in each district. He explained that they would be placed along the trail system and would have a two-colored logo with indicators of the distance to each park. Committee Chair Sandra Switzer provided an update on the Committee's progress and expressed appreciation for Mr. Bernard and staff's cooperation and professional performance.

Mayor Venis advised that item 12.1 would be taken out of order.

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12.1 Mr. Kutney described how this plan functioned to preserve the residential feel of the neighborhoods which it affected. He explained that Broward County did not have a residential/office zoning designation, but allowed the Town to utilize it. Mr. Kutney described the six categories, which the zoning plan provided for and emphasized that the plan was a transitional one and that many uses conflict with the plan's code. He described a number of uses, which were being considered under the zoning plan. Mr. Kutney recommended that Council not change anything that interfered with or changed the Comprehensive Plan, as those would cause conflicts with the County. He discussed the parameters and procedures for a business to appeal to Council to request approval for placement of their business in the residential/office zone. Mr. Kutney cautioned against stretching the code or using any means to get around the zoning ordinance.

Mayor Venis inquired what the timeline would be to modify the current Code to include new uses under the Residential/Office zoning plan. Mr. Kutney indicated that any modifications would take approximately two months to complete. Council gave Mr. Kutney direction to work further on the issue.

**5. MAYOR/COUNCILMEMBER'S COMMENTS.**

**MAYOR VENIS** (8:21 p.m. - 8:34 p.m.)

**LIGHTING OF THE GREEN CEREMONY.** Mayor Venis advised that the event would be held on December 9th.

**PRINCIPAL FOR THE DAY.** Mayor Venis stated that he had participated in the Principal for a Day at Hawke's Bluff Elementary School.

**ANNUAL TOY RUN.** Mayor Venis indicated that he had participated in the annual event which provided toys for children in need at Christmas.

**DEPARTMENT OF TRANSPORTATION.** Mayor Venis stated that he had received a letter from the Department of Transportation regarding the December 19th workshop to discuss I-595 alternatives. He indicated that a meeting for the I-75 corridor would take place on December 6th.

**IMAGINATION FARMS.** Mayor Venis asked for an update on an approved plat for 308 homes in Imaginations Farms. Mr. Willi indicated that the City of Weston had been concerned with the issue and had not given authorization for the approval and the Broward County Commission had tabled this item. Mayor Venis asked Mr. Willi to provide more details at the next Council meeting. Councilmember Starkey asked that Mr. Caesar be made aware of the issue.

**HAPPY BIRTHDAY.** Mayor Venis wished Mike Bender a happy birthday.

**COUNCILMEMBER CLARK** (8:34 p.m. - 8:36 p.m.)

**COMMUNITY RELATIONS ADVISORY BOARD.** Councilmember Clark thanked Norm Blanco for hosting the Community Relations Advisory Board meeting.

**COUNCILMEMBER TRUEX** (8:36 p.m. - 8:46 p.m.)

**TAKE STOCK IN CHILDREN.** Councilmember Truex deferred his time to "Take Stock in Children" representative John Pisula who outlined his program.

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Vice-Mayor Paul inquired whether her request to establish a mentoring program had been processed. Mr. Willi responded in the affirmative and indicated that the program was currently in the expansion process.

**COUNCILMEMBER STARKEY** (8:46 p.m. - 9:05 p.m.)

**CHRISTMAS DECORATIONS.** Councilmember Starkey offered thanks to all who helped to decorate.

**PRINCIPAL FOR A DAY.** Councilmember Starkey advised that she also had participated in the Principal for a Day program.

**NOB HILL TRAFFIC STUDY.** Councilmember Starkey stated that a workshop would be held on December 10th regarding the study.

**HOMETOWN SECURITY COMMITTEE MEETING.** Councilmember Starkey thanked Police Chief John George and Fire Chief Don DiPetrillo for their participation at the meeting.

**CODE COMPLIANCE.** Councilmember Starkey advised that many complaints had been lodged against the Math Iglar property on Hiatus Road. She expressed concerns for their having a liquor license and selling lottery tickets and alcohol at the fruit stand.

**SCHOOL BOARD BOUNDARIES.** Councilmember Starkey expressed concern regarding the boundaries for the HHH High School and recommended that Council approve the resolution. She recommended removal of the term "orphan children" from the resolution and suggested rewording the resolution to read "the Town request the Broward County School Board permit the Davie students in the Western High School innovation zone who live in the innovation zone set forth above be permitted to attend Davie High School rather than Western High School."

Vice-Mayor Paul suggested adding the resolution to the agenda as 12.2 and 12.3.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to add the resolutions as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

12.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE  
R-2001-347 BROWARD COUNTY SCHOOL BOARD TO PERMIT THE RESIDENTS OF THE  
HAWKES BLUFF COMMUNITY TO BE PERMITTED TO ATTEND HIGH  
SCHOOL HHH.

12.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE  
R-2001-348 BROWARD COUNTY SCHOOL BOARD TO PERMIT TOWN OF DAVIE  
STUDENTS RESIDING WITHIN THE WESTERN HIGH SCHOOL INNOVATION  
ZONE BE PERMITTED TO ATTEND WESTERN HIGH SCHOOL.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

**COST RECOVERY.** Councilmember Starkey wanted to place the cost recovery ordinance on the next Planning and Zoning Board's agenda. Councilmember Truex advised that this initiative would raise fees and indicated that he did not think that residents should pay the fees, but should rather get some relief. He believed that big developers should feel the brunt of the burden. Councilmember Starkey clarified that this was not a tax and said this fee would help Development Service Department with needed staff. Mayor Venis asked that this item be on the next Planning and Zoning Board agenda.

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**VICE-MAYOR PAUL (9:05 p.m. - 9:12 p.m.)**

**METROPOLITAN PLANNING ORGANIZATION (MPO).** Vice-Mayor Paul distributed a letter to the MPO regarding the resolution passed by Weston and asked for Council's support in standing up for the best interests of the Town.

**HAPPY HOLIDAYS.** Vice-Mayor Paul wished happy holidays to all.

**PRINCIPAL FOR A DAY.** Vice-Mayor Paul advised that she had also participated in the Principal for a Day program at Driftwood Elementary School.

**ANNUAL TOY RUN.** Vice-Mayor Paul thanked those in charge of the event.

**RURAL PRESERVATION WORKSHOP.** Vice-Mayor Paul advised that a workshop would be held on December 11th regarding rural preservation.

**HOLIDAY DONATIONS.** Vice-Mayor Paul indicated that she had chosen to forego giving Christmas gifts, and instead would donate to the EASE Foundation.

**6. TOWN ADMINISTRATOR'S COMMENTS (9:12 p.m. - 9:15 p.m.)**

**SOUND SYSTEM.** Mr. Willi advised that the cause of the hum in the sound system might have been identified.

**STRATEGY SESSION.** Mr. Willi spoke of his strategy meeting with Mr. Caesar.

**CITRUS CANKER VOUCHERS.** Mr. Willi advised that the vouchers for the citrus canker efforts would expire as of December 31st.

**7. TOWN ATTORNEY'S COMMENTS (9:15 p.m. - 9:23 p.m.)**

**CITRUS CANKER.** Mr. Kiar informed Council that the Department of Agriculture had moved to remove the presiding judge and to change venue to Broward County. He said the trial was set to begin in January 2002.

**ARSON DOG.** Mr. Kiar spoke of the "Arson Dog" to be utilized by the County which was obtained by a grant. He suggested that the Town might want to explore this option.

**ZONING IN PROGRESS.** Mr. Kiar spoke of the Zoning in Progress for the proposed agricultural district. Mr. Kiar stated that he was advised by staff that as a result of the last Council meeting that Steel, Hector, and Davis had been contacted by Florida, Power, and Light and advised that Florida Power & Light was looking into their options, including possible litigation. He explained that Steel, Hector, Davis felt that what was not a conflict before, might be a conflict at this time. He stated that he had contacted Andrew Maurodis, attorney for the City of Deerfield Beach and the Broward County Planning Council, who was willing to assist the Town at a rate of \$150 per hour. Vice-Mayor Paul asked Mr. Kutney if he was comfortable working with Mr. Maurodis with Mr. Kutney responding in the affirmative. In a voice vote, all voted in favor. (Motion carried 5-0)

**8. CONSENT AGENDA (9:23 p.m. - 10:50 p.m.)**

*Home Occupational Licenses*

- 8.1 American Bobcat, Backhoe & Landscaping, Inc., 5201 SW 76 Avenue
- 8.2 Hiatus Road Lawns, Inc., 2601 SW 110 Way
- 8.3 Davie "Hey" Man, 14050 SW 37 Court
- 8.4 JP Consulting, 14421 SW 24 Street
- 8.5 Vince's Construction Corp., 15420 SW 31 Street

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*Resolutions*

- 8.6 **LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-232 AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CORPORATION, WHEREBY THE TOWN WILL ALLOW AN AMENDMENT TO BE CREATED ONTO THE ORIGINAL LEASE AGREEMENT WITH OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC., ALLOWING VERIZON TO CO-LOCATE ON THE TELECOMMUNICATIONS TOWER AND PLACEMENT OF ADDITIONAL UNMANNED TELECOMMUNICATIONS FACILITY LOCATED AT THE 3600 S. FLAMINGO ROAD, DAVIE FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 20, 2001)
- 8.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-333 AUTHORIZING THE TOWN OF DAVIE TO APPROVE AND EXECUTE THE AMENDED AGREEMENT WITH DINA SAGARESE FOR PRESCHOOL PROGRAM AT IVANHOE COMMUNITY CENTER AND SHENANDOAH PARK ACTIVITY ROOM. (instructor to be compensated 75% of the class fee, not to exceed \$75,000)
- 8.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-334 AUTHORIZING THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT GRANT AGREEMENT WITH HOPE OUTREACH, INC., TO PROVIDE SOCIAL SERVICES/EMERGENCY ASSISTANCE TO DAVIE'S LOWER-INCOME FAMILIES AND INDIVIDUALS.
- 8.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-335 ACCEPTING A \$500,000 CHALLENGE GRANT FROM THE BROWARD COUNTY SAFE PARKS AND LAND PRESERVATION PROGRAM ENTITLED "DRIFTWOOD ESTATES PARK", FOR CONSTRUCTION OF THE NEW BOYS AND GIRLS CLUB FACILITY, WHICH IS A COMPONENT OF THE "HARMONY VILLAGE COMMUNITY INITIATIVE"; AUTHORIZING THE HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR TO COMPLETE EXHIBITS B, C, AND D IN ACCORDANCE WITH THE GRANT APPLICATION; APPROPRIATING THE CHALLENGE GRANT FUNDS; AND, AUTHORIZING THE MAYOR OR TOWN ADMINISTRATOR TO EXECUTE THE GRANT AGREEMENT AND ALL APPLICABLE GRANT DOCUMENTS.
- 8.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-336 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT TO PROVIDE MAINTENANCE SERVICES FOR VARIOUS COMPUTER PERIPHERAL EQUIPMENT PURCHASED UNDER STATE OF FLORIDA CONTRACT 250-050-97-1, WHOSE MAINTENANCE CONTRACT HAS RECENTLY EXPIRED. (\$5,423.23/year over 5 years)



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- 8.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-337 AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND ADJESLAN ENTERPRISES, INC.; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE EDJESLAN PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 10-2-01 10200 State Road 84)
- 8.12 **GRANT PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE AVERAGE PURCHASE PRICE LIMITS FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) GRANT PROGRAM AS ESTABLISHED BY THE FLORIDA HOUSING FINANCE CORPORATION (FHFC); RESTATING DAVIE'S FY 2001/02 HOUSING DELIVERY GOALS; AND, PROVIDING FOR AN EFFECTIVE DATE.
- 8.13 **COMMUNITY REDEVELOPMENT** - A RESOLUTION OF THE TOWN OF  
R-2001-338 DAVIE, FLORIDA URGING THE BROWARD COUNTY LEGISLATIVE DELEGATION TO VOTE AGAINST FILING BROWARD COUNTY'S PROPOSED LOCAL BILL THAT WOULD AMEND PART III, CHAPTER 163, FLORIDA STATUTES, AS SUCH ACT WOULD APPLY WITHIN BROWARD COUNTY BY REDUCING THE ABILITY AND FLEXIBILITY OF COMMUNITY REDEVELOPMENT AGENCIES IN BROWARD COUNTY TO ACCOMPLISH THEIR TASK OF REDEVELOPMENT.
- 8.14 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-339 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR THE DAVIE ROAD BEAUTIFICATION PROJECT. (net increase of \$10,774.60)
- 8.15 **FEE SCHEDULE REVISION** - A RESOLUTION OF TOWN OF DAVIE,  
R-2001-340 FLORIDA, REVISING THE FIRE RESCUE DEPARTMENT FEE SCHEDULE FOR EMS TRANSPORTATION.
- 8.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2001-341 BID FOR OFFICE SUPPLIES, SOUTHEAST FLORIDA CO-OP CONTRACT RFP 01-15R. (Office Depot)
- 8.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2001-342 BID FOR MULCHING SERVICES. (National Ground Cover - \$10,000/year)
- 8.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2001-343 BID FOR THERMAL POOL BLANKETS AND REEL SYSTEM AT PINE ISLAND PARK. (Commercial Energy Specialists - \$23,538)

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- 8.19 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-344 APPROVING A SUBDIVISION PLAT KNOWN AS V. I. PET RESORT AND  
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE  
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE  
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-  
2-01, 2100 Flamingo Road)
- 8.20 **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-345 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE  
PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 9-3-01, 12451 Orange  
Drive)
- 8.21 **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2001-346 FLORIDA, ADOPTING THE CLASS SPECIFICATION OF GRANTS SPECIALIST  
AND ASSIGNING A PAY GRADE, IN THE NON-REPRESENTED PAY AND  
CLASSIFICATION PLAN.
- 8.22 **INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
SELECTING CIGNA HEALTHCARE TO PROVIDE FULLY-INSURED GROUP  
MEDICAL BENEFITS INCLUDING A HEALTH MAINTENANCE  
ORGANIZATION (HMO) PLAN AND A POINT OF SERVICE (POS) PLAN,  
AND AN EMPLOYEE ASSISTANCE PROGRAM (EAP); SELECTING  
COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP  
DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE  
ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER  
ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE  
COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND  
DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM  
DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY  
(STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN  
RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND  
CONTRACTS FOR SAID BENEFIT PLANS. .

*Site Plans*

- 8.23 SP 3-9-01, Miele Simonson Estates, 2055 SW Flamingo Road (A-1) (tabled from  
November 20, 2001) Planning and Zoning Division recommended approval  
subject to the planning report; Site Plan Committee recommended approval  
subject to the planning report; that the applicant is to provide access on both the  
north and south sides of the main entrance for the horse trail, composed of stable  
material, to go behind the signs; that on the west side of the property, have the six  
foot concrete sidewalk tie into or finish off at 127th Avenue, "field adjust" the  
placement of trees, with this six-foot sidewalk being on the north side and having  
the 15 foot bridle path on the south side of the street composed of stable material,  
also to hook up with 127th Avenue; and that the bridle path on lots eight and nine  
are to curve around the cul-de-sac

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- 8.24 SP 3-3-01, Leto Estates #4, 2510 SW 130 Avenue (A-1) (tabled from November 20, 2001) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report
- 8.25 SP 3-2-01, Glenn's Automotive, 2601 Reese Road (M-3) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report and subject to the inclusion of a mitigation table to be provided to the Town Council

*Temporary Use Permit*

- 8.26 TU 9-7-01, St. Philip Orthodox Church, 4870 Griffin Road

Councilmember Truex pulled item 8.22 from the Consent Agenda. Vice-Mayor Paul pulled items 8.19, 8.20, 8.23, and 8.24. Councilmember Starkey pulled items 8.15 and 8.21.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda without items 8.15, 8.19, 8.20, 8.21, 8.22, 8.23, and 8.24. In a voice vote, all voted in favor. (Motion carried 5-0)

8.15 Councilmember Starkey referred to the table with the proposed fee schedule and stated that she was not comfortable with some of the fees that were being increased. She asked Chief DiPetrillo to explain the purpose of raising the fees for EMS transportation. Chief DiPetrillo spoke about the history, which led up to this change on a federal level. He stated that these costs were set by Council within the last two years and that there were revenues that were projected according to the way services were operated to offset the cost to residents. Chief DiPetrillo explained the increase was due to Medicare and Medicaid fraud and that the raise in rates would stabilize what was already in place. He also stated that the timing was unfortunate in regard to annexation issues, but the federal government wanted the fee in place by March 2002. Chief DiPetrillo stated that the increase would be effective January and there was a "three month lag in collections on some of these things." Councilmember Starkey questioned if other cities would also see an increase. Chief DiPetrillo responded affirmatively, adding that if the fees were not increased, residents were going to be forced to pay higher property taxes for these services.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.21 Councilmember Starkey expressed concern that the salary was higher than necessary for the position, especially since consultants had been contracted. Human Resources Director Mark Alan indicated that the position required a specialist and that the salary was appropriate for the job description. Councilmember Starkey indicated that similar positions began at a much lower level of pay than other municipalities. Councilmember Clark agreed. Councilmember Starkey asked that the item be tabled to the next meeting. Councilmember Truex asked if a college degree was required for the position. Mr. Alan responded in the negative. Councilmember Truex stated that the position was very important and said he preferred to keep the salary level as it was proposed. Vice-Mayor Paul added that the higher salary range would be more inviting to potential applicants.

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Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve 523 as the pay grade for Grant Specialist. In a voice vote, all voted in favor. (Motion carried 5-0)

8.19 Vice-Mayor Paul spoke about the property's development, stating that some of the information was incorrect.

Bill Laystrom, John Volden and Dan Fee, representing the petitioner, were present. Mr. Laystrom explained the history of the property and the original goal of putting commercial flexibility on this eight-acre site, of which five were being used for the pet resort. He explained that the remaining three acres would be residential. Mr. Laystrom also explained that the pet resort was a high-end animal hotel for small animals and perhaps horses.

Vice-Mayor Paul asked if a road was going to have to be added. Mr. Laystrom stated that if the three lots were developed, they would include a road, but this was not in the plan at this time.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.20 Vice-Mayor Paul asked why the plats were being revised. Stephanie Toothacher-Walker, representing the petitioner, stated that the square footage and usage was not being changed. She explained that this amendment would reflect the actual ownership and would separate the development rights among the three owners.

Councilmember Clark made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Vice-Mayor Paul dissenting and Councilmember Starkey being out of the room, all voted in favor. (Motion carried 3-1)

8.22 Mayor Venis asked for information on the proposed renewal of Cigna Insurance as the health insurance carrier for the Town. He asked if Cigna analyzed the types of claims it received when it determined premiums. Michael Barreto referred to Exhibits 8 and 9, which summarized the renewal process and confirmed that types of claims were considered. Mayor Venis wanted to insure that consideration of types and details of claims was incorporated into the rate structure.

Mayor Venis inquired about the access network access fees. Shannon Hall, representing Cigna, stated that the access fee was to access the network and claims could not be made without this access. It was clarified that the access fee did not change considerably from 2000-2001 to 2001-2002. Mayor Venis clarified that this cost was an administrative charge.

Councilmember Clark asked for clarification regarding the two proposals. Mr. Barreto explained that the Selection Committee had opted for the proposal which increased premium for employees choosing POS rather than increasing the out-of-pocket fees. Councilmember Clark felt this was unfair to employees because if they could not afford the increase, then they had to choose the HMO.

After further discussion, Mayor Venis stated that Council needed more time to review the proposals. He took issue with the access fee as he felt this fee should be included with the premiums, rather than as an additional fee. Ms. Hall explained the rationale behind the fee.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to table this issue to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

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8.23 Gus Aguirre, representing the petitioner, was present. Vice-Mayor Paul questioned staff's insistence that the road a cul-de-sac, despite the resident's understanding that the road would go through to 127th Avenue.

Mr. Aguirre stated that previous Assistant Town Administrator Robert Rawls specifically indicated that they did not want to use this road as a shortcut for the surrounding areas. Mr. Aguirre explained that the right-of-way was dedicated all the way to SW 127 Avenue, clarifying that this was not a private road. Vice-Mayor Paul was concerned that if it was a public road, the residents did not have access and could not go all the way through. Mr. Bernard clarified that the petitioner originally did not want the road going through and had made the decision to put in the cul-de-sac because he did not want the traffic. Vice-Mayor Paul did not understand why staff had allowed the petitioner to make this decision when the Town had already made the promise of the road going through. Mr. Aguirre clarified that the developer had no objections.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve pending that the road goes through to SW 127 Avenue, and that the Town also maintain the bridle path and appropriate the sidewalk also to SW 127 Avenue. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Bernard stated that an amendment needed to be added for SW 127 Avenue regarding an access "or else a cut-through would be made off of Flamingo Road. He stated that if this was paved "coming in," it was going to be a "cut-through" if something was not done with cutting the access off SW 127 Avenue at Summer Lake. Vice-Mayor Paul clarified that Summer Lake would access out onto SW 130 Avenue. Mr. Bernard stated that it depended on where they cut off SW 127 Avenue to get into Summer Lake. He further stated there was no approved access coming through the Florida Power and Light easement and they could not get through the right-of-way if it was closed off. Mr. Bernard further clarified the variables that needed to be considered in this project.

Mr. Aguirre commented that there were no objections to paving all the way to SW 127 Avenue. However, by the plat approved by the Town, that plat was approved with no vehicular access line throughout the entire west property lines. He indicated that the plat had recorded and this was a public road. Mr. Aguirre stated they would pave the road "up to that line," but the Town would have to connect it to SW 127 Avenue. He stated that a delegation request would have to be made to revise the plat to amend the non-vehicular access line. He clarified that the vehicular access line was a specific request from the Town because Broward County did not have any rights over SW 127 Avenue because it was a local road.

Karl George expressed his concern over excessive traffic from landscaping companies and speeders in area. He asked what the future plans were for SW 127 Avenue. Vice-Mayor Paul advised that she wanted it paved to SW 127 Avenue with no barrier and then addressed as a separate issue.

Councilmember Truex asked if the goal of having the road pass through to SW 127 Avenue rather than a cul-de-sac, was so that the petitioner's development would have an additional access. Mr. George stated discussed the access to the neighborhood. Mr. Bernard stated that "they were not looking for help to use it, they were looking for help to keep the traffic from coming through their development." He recommended that this road be temporarily be bermed and observing the traffic flow for the next few months to see what was

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happening within the development with the traffic concerns.

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Councilmember Truex suggested sending this item back to the Site Plan Committee as there were many potential consequences. Julie Aitken, 3801 Flamingo Road, stated that the staff recommendation to the Committee was that the right-of-way easement had to be vacated. She further stated that the Committee never discussed it because it was not within their parameters to discuss.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to reconsider the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Truex made a motion to send it back to the Site Plan Committee with direction that it consider it in light of the possibility of having a through street. Motion died for lack of a second.

Dean Brown, 1650 SW 127 Lane, stated that the residents were not opposed to the road being paved because it would benefit residents, but they were opposed to the cul-de-sac.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the site plan with the condition that the road be extended to SW 127 Avenue. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul requested that staff add this item to a future agenda so that there could be further discussion as to how this could be dealt with.

8.24 Vice-Mayor Paul asked about the landscaping and for renderings of the proposed building as she was concerned with the landscaping, the chain-link fence, and the open space. Mr. Aguirre responded that only custom-built homes were going into this area, so no renderings were available. He described the landscaping and stated that there was a description in Council's packet. Vice-Mayor Paul was not comfortable with this matter and felt that Council did not review the vested rights issue adequately for this issue which was why this problem existed. She further stated that Council should consider vested rights interests more closely.

Mayor Venis stated that the Site Plan Committee had made a unanimous recommendation in favor of this site plan and asked if a representative of the Committee would address this issue.

Ms. Aitken stated that she had heard many concerns regarding the size of the lots. Also, she stated that the landscaping buffer on the west side of the chain link fence would be maintained by the homeowners even though they had no access to it. She described the site plan and stated that the homeowners were not getting full usage of their land because of the buffer and chain link fence. Ms. Aitken stated that if she had calculated this during the Committee meeting, she would have opposed it.

Councilmember Clark made a motion, seconded by Tom Truex, to approve. In a voice vote, four voted yes, with Vice-Mayor Paul dissenting. (Motion carried 4-1)

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9. **PUBLIC COMMENTS** (10:50 p.m. - 11:02 p.m.)

*Ordinances - First Reading (Public Hearing to be held December 19, 2001)*

9.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR PRIVATE COLLECTION SERVICES FOR COLLECTION OF RECOVERED MATERIALS AT COMMERCIAL ESTABLISHMENTS; PROVIDING FOR DEFINITIONS; REQUIRING REGISTRATION FEE; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

9.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTIONS 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED USE REGULATIONS RELATED TO FARMS AND AGRICULTURAL USES; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO FARMS AND AGRICULTURAL USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance

Julie Aitken, 3801 Flamingo Road, clarified that Matt Igler Groves was not a farm. She explained that in order to be classified as a farm, an establishment had to have an agricultural use on the premises. Ms. Aitken stated that this amendment had been well researched and it was what State law demanded. She advised that United Ranches was watching this issue very closely, as they wanted to go to a town that was farm-friendly.

Jason Curtis, 3801 Flamingo Road, referred to the inhumane treatment of horses and animals. He referred to the Herzog property which had agricultural classification at one time and indicated that if a 20 stall barn was built, it would cause an increase in density, and they would lose the agricultural classification. Mr. Curtis stated that if there were concerns regarding inhumane treatment of animals on this property, the Police Department and Code Compliance Division should be sent there to investigate

Mayor Venis closed the public hearing.

Councilmember Starkey stated she was in support of this item, but was concerned with the Matt Igler property. She suggested that more restrictive uses be established, such as banning the sale of liquor and lottery tickets. Councilmember Starkey asked Mr. Kutney to address concerns they had discussed regarding this property.



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Mr. Kutney stated that there had been one complaint about the fruit stand and their liquor license and there were no violations in their 15-year history. He stated that staff had reviewed this property and did consider it to be a farm, as it had the protections that the Right to Farm Act did provide. Mr. Kutney referred to the Code and stated there were a number of issues that needed to be addressed regarding the Right to Farm Act.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

**10. PUBLIC HEARINGS (11:02 p.m. - 11:18 p.m.)**

*Ordinances - Second and Final Reading*

- 10.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2001-49 FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING CURRENT DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "ADMINISTRATIVE APPEALS PROCEDURE", AND CREATING A NEW DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "VESTED RIGHTS DETERMINATION"; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Mr. Kutney advised that the fee was based on a survey of surrounding cities and their fee structures. He stated there was a great deal of variance from one city to the next and it was difficult to find commonalities.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 10.2 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2001-50 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-2-01, Struc.Tech Engineering/St. Philip Orthodox Church, 4870 Griffin Road)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes.

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(Motion carried 5-0)

*Quasi Judicial Items*

10.3 **REZONING** - ZB 9-1-01, Asseff/Wolf, 6851 SW 45 Street (from A-1 to R-3)  
*Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval.*

Mayor Venis swore in the witnesses.

Patricia Asseff, representing the petitioner, explained the rezoning request.

Mr. Kutney summarized the rezoning request

Mayor Venis asked if anyone wished to speak for or against the issue. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

10.4 **SPECIAL PERMIT** - SE 9-1-01, Laystrom/Silva, 2100 Flamingo Road (A-1) (to construct an outdoor exercise area for animals) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report.*

John Voight, representing the petitioner, was present. Mr. Kutney summarized the report.

Mayor Venis asked if anyone wished to speak for or against the issue.

Susan Blum questioned if the petitioner was required to have an eight-foot masonry wall. Mr. Kutney responded in the affirmative.

Mayor Venis closed public hearing.

Vice-Mayor Paul referred to the pad at the pet hotel on Orange Drive, stating that it was very high and once the fill was added, the building might be too tall. She asked what height or elevation this building would be. Mr. Voight stated that there were no fixed elevations in the architect's renderings and the building was a single story. It was also stated the sound levels were studied to assure that there would be no disturbance to the surrounding neighbors.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve subject to staff recommendations. In a roll call vote, the vote was follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

**11. APPOINTMENTS (11:18 p.m. - 11:25 p.m.)**

11.1 Budget Advisory Board (members shall have experience in financial related occupation or similar skills) (one exclusive appointment - Councilmember Truex; term expires December 2002)

Councilmember Truex appointed Scott Spages.

11.2 Davie Water and Environmental Advisory Board (two exclusive appointments Councilmember Truex; one exclusive appointment - Mayor Venis and Councilmember Clark) (terms expire December 2003)

Mayor Venis appointed Mike Crowley. Councilmembers Truex and Clark deferred their

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appointments.

- 11.3 Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments with one being for a one year term and one being for a two year term - Councilmembers Truex and Starkey; terms expire December 2002 and 2003 respectively) (one exclusive appointment for a one year term - Mayor Venis; term expires December 2002)

These appointments were deferred.

- 11.4 Police Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (terms expire December 2003)

Vice-Mayor Paul nominated Jack Mackie, seconded by Councilmember Truex. In a voice vote, with Councilmember Clark dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Starkey advised that she had other suggestions for this Board which she would provide at a future meeting.

- 11.5 Fire Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (terms expire December 2003)

Vice-Mayor Paul nominated Ralph Barnouw and Irving Heller, seconded by Mayor Venis. In a voice vote, all voted in favor. (Motion carried 5-0)

**12. OLD BUSINESS**

- 12.1 Residential/Office Comprehensive Plan/Zoning Category - Mark Kutney.  
This item was addressed earlier in the meeting.

**13. NEW BUSINESS**

There was no new business to be discussed.

**14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 11:25 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk